

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ROBERT MARTINEZ,**

**Plaintiff,**

**v.**

**No. CIV-15-0126 KG/LAM**

**SANTA FE COUNTY ADULT  
CORRECTIONS FACILITY,  
SANTA FE COUNTY, and  
JOHN DOES AND JANE DOES 1-10,  
unknown officers employed at the  
Santa Fe county Detention Center  
In their individual and official capacities,**

**Defendants.**

**ORDER GRANTING MOTION TO VACATE  
SETTLEMENT CONFERENCE**

**THIS MATTER** is before the Court upon *Defendants' Expedited Motion to Vacate Settlement Conference* (*Doc. 37*), filed September 30, 2015. On October 6, 2015, Plaintiff filed a response to the motion [*Doc. 43*] and Defendants filed a reply [*Doc. 44*]. In their motion, Defendants ask the Court to vacate the settlement conference scheduled in this case for Wednesday, October 14, 2015, stating that they believe there is little to no chance of settlement at this time in light of their dispositive Motion for Judgment on the Pleadings and for Qualified Immunity. The Court notes that the Tenth Circuit has “consistently held . . . that qualified immunity can be raised at any time and a district court may enter . . . judgment on that ground at any point before trial at which it is appropriate” (*MacArthur v. San Juan County*, 495 F.3d 1157, 1162 (10th Cir. 2007)), so Plaintiff’s contention that Defendants have improperly

delayed in raising this issue is unpersuasive. Having considered the motion, response, reply, and the record of this case, the Court **FINDS** that the motion is well-taken and shall be **GRANTED**.

**IT IS THEREFORE ORDERED** that *Defendants' Expedited Motion to Vacate Settlement Conference* (Doc. 37) is **GRANTED** and the Wednesday, October 14, 2015 settlement conference is hereby **VACATED**.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**